

REMARKS

Claims 1-22 are pending in this application. Claims 1-7, 10-12, 16, 21 and 22 are currently amended. Claims 8, 9, 13-15 and 17-20 remain unchanged from the original claims. No new matter has been introduced.

Applicant's invention is a set of elements that protect a wearer against insects, such as ticks, crawling upwards upon a clothing surface towards, and in the general region of, one or more types of clothing openings, e.g., pant legs, waist, sleeves, shirt front, and/or shirt collar. The protection elements of Applicant's invention consist of a substrate having a first (inner) adhesive layer and a second (outer) adhesive layer. The adhesive surface of the inner adhesive layer adheres the protection element to the clothing surface in a manner to effectively block passage of crawling insects between the clothing surface and the protection element, while the adhesive surface of the outer adhesive layer effectively blocks passage of crawling insects across the protection element. According to different embodiments of the invention, the protection elements may be provided, e.g., in roll form or in sheet form with the elements die cut to particular shapes suited to accommodate clothing opening of irregular shape, e.g., shirtfronts and shirt collars. Applicant's invention further includes a method for protection against insect such as deer ticks carrying Lyme Disease crawling upon a clothing surface by exposing and applying the adhesive surface of the first, inner adhesive layer to the clothing surface and exposing the adhesive layer of the second, outer adhesive layer to impede advancement of the crawling insects thereacross.

None of the prior art references cited by the Examiner, whether taken alone, or in any proper combination, teaches or suggests Applicant's invention as now more clearly claimed.

Claims 1, 5, 16 and 22 stand rejected under 35 USC §102(e) as being anticipated by Arber US 6,353,939 and claims 2-4, 6-9 and 17-21 stand rejected under 35 USC §103(a) as being obvious and therefore unpatentable over Arber '939. We respectfully traverse.

In particular, Arber '939, contrary to assertions by the Examiner, provides neither teaching nor suggestion for Applicant's invention of protection elements that are adhered to clothing surfaces for protection against insects crawling upwards upon the clothing surfaces

towards, and in the general region of, clothing openings. Instead, Arber '939 describes a disposable, one-time use, plastic or paper legging with elastic bands, in tunnels at top and bottom edges, for fitting the legging over the wearer's lower leg. An adhesive band is provided about the *outer* surface of the legging, at its mid-region. There is, however, no teaching or suggestion in Arber '939 for a protection element adhered to the clothing surface by an inner adhesive layer in a manner to effectively block passage of crawling insects between the clothing surface and the protection element, while an outer adhesive layer effectively blocks passage of crawling insects over the protection element. Arber '939 instead relies upon the elastic bands at the top and bottom edges of the legging to provide protection against crawling insects passing between the protection element (in the form of the legging) and the clothing surface. In fact, the material of the legging and the underlying clothing are seen in the FIGURE of Arber '939 to be gathered by the elastic bands, creating folds and creases that might be used by crawling insects to pass through and beneath the legging.

Arber '939, to the same effect, provides no teaching or suggestion for the method of Applicant's invention, including the steps of exposing the adhesive surface of the first, inner adhesive layer, and applying the adhesive surface of the first, inner adhesive layer to a clothing surface to removably attach the protection element to the clothing surface adjacent to a clothing opening.

Claims 10 and 11 stand rejected under 35 USC §103(a) as being obvious and therefore unpatentable over Arber '939 in view of Geary US 2,911,756, and claims 12-15 stand rejected under 35 USC §103(a) as being obvious and therefore unpatentable over Arber '939 in view of Luria et al. US 5,381,557. Again, we respectfully traverse.

Neither Geary '756 nor Luria et al. '557, whether taken alone or in proper combination with any other reference, provides teaching or suggestion of the features of the protection device or method of Applicant's invention found lacking in Arber '939.

In particular, Geary '756 merely describes a double face sticky fly paper provided in sheet or roll form, which is equivalent to the double sided tape already described by Arber '939 at col. 5, line 36. As a result, a combination of Arber '939 with Geary '756, even if such a combination is properly suggested (which Applicant does not concede), fails entirely to provide

any suggestion for the features of the protection device and method of Applicant's invention already found lacking in Arber '939.

Luria et al. '557 describes a band to be fitted about the arm or leg of a wearer as protection against ticks and crawling creatures, but as in Arber '939, an adhesive layer is provided only about the outer surface. There is no teaching or suggestion for providing an inner adhesive layer for protection against insects crawling along the clothing surface beneath the band device. Rather, similar to the device of Arber '939, in Luria et al. 557, the band is secured about the wearer's limb by elastic or by wrapping. Once again, a combination of Arber '939 with Luria et al. '557, even if such a combination is properly suggested (which Applicant again does not concede), similarly fails entirely to provide any suggestion for the features of the protection device and method of Applicant's invention already found lacking in Arber '939.

On this basis, we submit that Applicant's invention, as now more clearly claimed, is readily distinguishable over the prior art, including as cited by the Examiner. The distinctions of the protection device and method of Applicant's invention in its broadest aspects, as recited in claims 1 and 16, over the cited prior art, and in particular over Arber '939, have made it unnecessary to address the Examiner's position on each of the dependent claims on a point-by-point basis. However, there are good arguments against these positions, and Applicant reserves the right to present those arguments, should it become necessary to do so.

Claim 4 is rejected under 35 USC §112, 2nd paragraph, as being indefinite. The claim has been amended in the manner required by the Examiner to eliminate use of the term "inner" found misleading in the context of the claim. Claims 1 and 4 are also amended to address informalities noted by the Examiner. No new matter has been introduced.

Submitted herewith is one (1) sheet of new formal drawings in which FIG. 12 is amended to substitute reference "w" for reference "W" indicating width. The specification has also been amended to eliminate duplicate use of "W" (for "waist" and "width") and "T" (for "trousers" and "thickness"), by respectively substituting "w" and "t" for the latter terms. No new matter has been introduced.


We submit that this application is now in condition for allowance.

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Page : 2 of 11

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